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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LINDA VOPNFORD,

11 Plaintiff,

12 v.

13 WELLCARE HEALTH PLANS, et  
14 al.,

15 Defendants.

CASE NO. C16-1835JLR

ORDER

16 Before the court are Defendants Comprehensive Health Management Inc.,  
17 WellCare Health Plans, Inc., Tom Potts, Frank Webster, Lydia Ophaug, Ray McComb,  
18 and Kaleista Lagarde's (collectively, "Moving Defendants") partial motion to dismiss  
19 and strike Plaintiff Linda Vopnford's second amended complaint (MTD (Dkt. # 47)) and  
20 Ms. Vopnford's motion for leave to amend the second amended complaint (MTA (Dkt.  
21 # 49)). The court GRANTS Ms. Vopnford's motion for leave to amend and DENIES as  
22 moot Moving Defendants' partial motion to dismiss.



1 On August 8, 2017, the court granted in part and denied in part the first partial  
2 motion to dismiss filed by various Moving Defendants. (8/8/17 Order (Dkt. # 33).) In its  
3 order, the court struck various paragraphs of the amended complaint, dismissed several  
4 defendants, dismissed various claims for lack of personal jurisdiction, and dismissed  
5 other claims for failure to state a claim. (*See generally id.*) The court granted Ms.  
6 Vopnford leave to amend some of these claims with the instruction that the amended  
7 complaint must “remedy the pleading deficiencies identified” by the order. (*Id.* at 28; *see*  
8 *id.* at 27-28.)

9 On August 21, 2017, Ms. Vopnford filed her second amended complaint. (SAC  
10 (Dkt. # 40).) But the second amended complaint did not comply with the court’s order.  
11 The complaint retained the paragraphs that the court previously struck (*see* SAC ¶¶ 3.2-  
12 3.31), alleged charges against defendants that the court had already dismissed (*see id.* ¶¶  
13 2.4, 2.6, 2.7, 2.9. 2.10), and left untouched various claims that the court had identified as  
14 failing to state a claim (*see id.* ¶¶ 5.24-28, 5.21-23). In response, Moving Defendants  
15 filed another partial motion to dismiss and strike. (*See generally* MTD.)

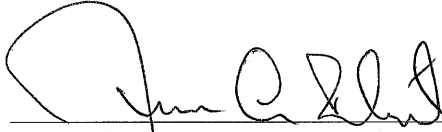
16 Ms. Vopnford responded that she “does not oppose editing the Second Amended  
17 Complaint to reflect the Court’s August 8, 2017, Order,” although she does not explain  
18 why the second amended complaint did not adhere to the court’s order in the first  
19 instance. (Resp. (Dkt. # 48) at 2.) She subsequently filed a motion to amend with a  
20 proposed third amended complaint attached. (*See generally* MTA.) But this third  
21 amended complaint again fails to fully comply with the court’s order. As Moving  
22 Defendants point out, the third amended complaint fails to remove paragraph 3.31, as the



1 court instructed. (MTD Reply (Dkt. # 50) at 3.) Ms. Vopnford acknowledges that  
2 “[p]aragraph 3.31 was inadvertently left in the Proposed Third Amended Complaint” and  
3 attached a “corrected Proposed Third Amended Complaint.” (MTA Reply (Dkt. # 51) at  
4 2.) The Moving Defendants acknowledge that the corrected third amended complaint  
5 moots their motion to dismiss and further indicates that they intend to file an answer if  
6 the court accepts the corrected third amended complaint. (See MTD Reply at 3.)

7 The court recognizes that Ms. Vopnford has now amended her complaint to reflect  
8 the court’s August 8, 2017, order, and thus will accept the corrected third amended  
9 complaint so that this action may proceed. However, the court cautions Ms. Vopnford  
10 that it will not tolerate any future deviation from the court’s orders or ignorance of the  
11 Federal Rules of Civil Procedure, the Local Rules for the Western District of  
12 Washington, and all other applicable rules. The court GRANTS Ms. Vopnford’s motion  
13 for leave to amend (Dkt. # 49) and authorizes her to file the corrected third amended  
14 complaint in the form attached as Exhibit A (Dkt. # 51, Ex. A) within seven (7) days of  
15 the entry of this order. The court further DISMISSES Moving Defendants’ partial  
16 motion to dismiss as moot (Dkt. # 47).

17 Dated this 13<sup>th</sup> day of October, 2017.

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19 JAMES L. ROBART  
United States District Judge  
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